



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2712
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, January 11, 2012 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	February 8, 2012

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member (left at 1:35 p.m.)
Dianne Halpern, RN Member
Kathy Bradley, LPN Member
Pamela Tyranski, RN Member
Robert Maddex, Public Member
Harland Sanders, Public Member
David Salati, RN Member
Madelyn Nellius, Public Member
Mary Lomax, Public Member
Karen Murphy, LPN Member (left at 12:00 p.m.)
Delphos Price, APN Member (left at 3:00 p.m.)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patty Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Pamela Zickafoose, Executive Director
Lyron Deputy, RN Member
Tracy Littleton, LPN Member

ALSO PRESENT

Tammy Paxton, DTCC-Owens Campus
Connie Bushey, M.H. Rollins School of Nursing at Beebe Medical Center
Barbara Robinson, Leads School
Rachel Joseph, Leads School
Suzanne Raab-Long, DHCC
Pat Welsh, DTCC-Stanton
Agnes Richardson, DSU
Margaret-Rose Agostino, DSU

Maria Randall
Tony De Marer
Emily Farley
Delane Saxton
Joy Magee
Stephanie (last name illegible)
LaFrance Bolling

Ms. Nicholson called the meeting to order at 9:09 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on November 9, 2011. Mr. Sanders made a motion, seconded by Ms. Tyranski, to approve the minutes with amendments. The motion carried with Mr. Price and Ms. Murphy abstaining.

ADOPTION OF THE AGENDA

Dr. Contino requested to speak to all educational issues under the Practice and Education Committee report. Mr. Maddex made a motion, seconded by Mr. Sanders, to adopt the agenda as amended. By unanimous vote, the motion carried.

ACTIVITIES REPORT

Ms. Wagner provided the report of the number and types of active licenses as of January 8, 2011.

Total Active Licenses = 18,692
APN = 1,119
RN = 14,375
LPN = 3,198
Total permits 21

UNFINISHED BUSINESS

Michelle Gillespie Appeal

Ms. Davis-Oliva reported that the appeal for Michelle Gillespie in the Superior Court was reversed and is pending before the Supreme Court.

DIHS Appeal

Ms. Davis-Oliva reported that the Board's decision was affirmed by the Superior Court. DIHS requested a stay of the ruling which was denied, and then DIHS appealed to the Supreme Court. We are awaiting their decision.

Maia Michael Appeal

Ms. Davis-Oliva reported that the appeal for Maia Michael is pending before the Superior Court.

COMMITTEE REPORTS

Practice & Education Committee -Dr. Contino reported that the Practice & Education Committee met on December 14, 2011 at 9:00 A.M. The main discussion was centered on the Annual Reports from the current schools. Dr. Contino reported the following:

The Margaret H. Rollins School of Nursing at Beebe Medical Center

The committee recommended continued full approval for the Margaret H. Rollins School of Nursing at Beebe Medical Center. Their 2011 NCLEX-RN pass rate was 89.66%. By unanimous vote, the Board approved the committee's recommendation.

Camtech

The committee recommended withdrawal of initial approval. Their 2011 NCLEX-PN pass rate was 59.65% and this has been below the 80% standard for the past four years. After discussion it was moved to table this item until the Board can review the Rules and Regulations and read over the P&E committee meeting minutes from December. By unanimous vote, the motion passed.

DIHS

DIHS has 16 students who graduate in December 2011 and this should be their last class with no further students admitted. Their 2011 NCLEX-PN pass rate was 16.67% and no annual report was submitted.

Delaware Skills Center

The committee recommended continued full approval for the Delaware Skills Center. Their 2011 NCLEX-PN pass rate was 76.92%. By unanimous vote, the Board approved the recommendation.

Delcastle Technical High School

The committee recommended Delcastle to continue with conditional approval; however, the school is supposed to be discontinuing their nursing program in 2013. Their 2011 NCLEX-PN pass rate was 70%. By unanimous vote, the Board approved the recommendation.

Delaware State University

The committee recommended continued full approved for Delaware State University. Their 2011 NCLEX-RN pass rate was 78.38%. By unanimous vote, the Board approved the committee's recommendation.

DTCC-Owens Campus

The committee recommended continued full approval for both programs at DTCC-Owens Campus. Their 2011 NCLEX pass rate for LPN's was 87.5% and RN's was 68.57%. By unanimous vote, the Board approved the committee's recommendations.

DTCC-Stanton Campus

The committee recommended continued full approval for DTCC-Stanton Campus. Their 2011 NCLEX-RN pass rate was 92.68%. By unanimous vote, the Board approved the committee's recommendation.

DTCC- Stanton RN Refresher Course

The committee recommended continued full approval for the RN Refresher program. By unanimous vote, the Board approved the committee's recommendation.

DTCC-Terry Campus

The committee recommended continued full approval for both programs at DTCC-Terry Campus. Their 2011 NCLEX pass rate for LPN's was 94.92% and RN's was 94.05%. By unanimous vote, the Board approved the committee's recommendations.

Leads School of Technology

The committee recommended withdrawal of initial approval for the Leads School of Technology. Their 2011 NCLEX-PN pass rate was 47.06%. After discussion it was moved to table this item until the Board can review the Rules and Regulations and read over the P&E committee meeting minutes from December. By unanimous vote, the motion passed.

Polytech Adult Education

The committee recommended continued full approval for Polytech Adult Education. Their NCLEX-PN pass rate was 85.71%. By unanimous vote, the Board approved the committee's recommendation.

University of Delaware

The committee recommended continued full approval for the University of Delaware. Their 2011 NCLEX-RN pass rate was 91.08%. By unanimous vote, the Board approved the committee's recommendation.

Wesley College

The committee recommended continued conditional approval/probation for Wesley College with an action plan to be submitted. Their 2011 NCLEX-RN pass rate was 71.15% which has been below the 80% standard for the past five years. By majority vote, the Board approved the committee's recommendation. Dr. Contino abstained from the vote.

Vagal Nerve Stimulation

Dr. Contino discussed that a magnet is worn around the person's neck and is waived over the stimulator if the person is having a seizure and this stops the seizure activity. Two letters were received, one from Charlton School and one from the Community Legal Aid Society, requesting the board determine this is "not the practice of nursing" and to change the Delaware Nurse Practice Act accordingly. This is a topic of concern in the public schools and the schools are looking for an advisory opinion; however, the Board doesn't give advisory opinions nor does the board determine what is not the practice of nursing. The letters mention delegation to unlicensed persons and the exclusions in statute pertaining to persons with disabilities being able to self-direct their own care. Dr. Contino suggested maybe the schools should provide their own education. Dr. Contino made a motion, seconded by Mr. Salati, on the advice of Board counsel, to not rule on this issue. By unanimous vote, the motion passed.

Telephone Triage

The committee recommended that telephone triage is within the scope of practice for the RN but is not within the LPN's scope. By unanimous vote, the Board approved the committee's recommendation. Dr. Contino reported that the committee was undecided whether RN's should be recommending medication over the phone. Ms. Tyranski reported she felt that telephone triage (especially after hours) was very helpful in keeping the ERs free. Ms. Tyranski said that telephone triage companies have evidence-based protocols and are very effective. The questions that are asked when the person calls in will determine what the RN will tell the person to do. The Board discussed this at length and did not give a recommendation.

RN First Assist Position Statement

Ms. Davis-Oliva stated that the Board is not updating position statements that were made in the past and currently the Board doesn't issue position statements. It is recommended that RNFAs follow the national standards from their professional organization AORN.

Advanced Practice Nurses Committee- Mr. Price reported the committee met on December 6, 2011. The survey that was drafted and sent out to Delaware APNs had over a 50 percent response. The committee is working on finalizing the data and plans to educate stakeholders.

AWSAM Committee- Ms. Pam Tyranski reported the committee met on November 30, 2011. Some of the discussion centered on gaps in residential child care and that designated care providers are actually administering medication rather than "assisting." The committee members feel that the curriculum needs a complete overhaul with a core curriculum being developed that can be enhanced by

the state agencies to meet their needs. They are looking at replacing the name AWSAM and had several suggestions including Lay Administration of Medications. The committee will discuss this at their next meeting.

PRESIDENT'S REPORT

Ms. Nicholson informed the Board that Ms. Tammy Ward resigned from the Board due to medical reasons. Ms. Nicholson wanted to publicly, and for the record, thank Ms. Ward for her professional service to this Board and to the citizens of Delaware.

EXECUTIVE DIRECTOR'S REPORT

There was no Executive Director's Report for January.

Strategic Plan

Ms. Wagner distributed the strategic plan for the Board members to review. The strategic plan shows what the Division has been working on as well as what the Board is in the process of implementing.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

Armstrong Agbortabi, GPN – Mr. Agbortabi is a GPN applicant, who graduated from Camtech School of Nursing in July 2011. Mr. Agbortabi's criminal background showed a charge of Battery in 1994. Mr. Agbortabi did not disclose this charge on his application. Mr. Agbortabi sent a letter of explanation, deposition documents, and two positive letters of reference. Ms. Halpern made a motion, seconded by Mr. Price, to approve Mr. Agbortabi to sit for the NCLEX exam. Discussion ensued of how Mr. Agbortabi forgot to put that he had this charge on his application. The Board questioned if the applicant was trying to be deceitful. The motion failed to pass. Dr. Contino then made a motion, seconded by Dr. Lomax, to propose to deny Mr. Agbortabi to sit for the NCLEX exam. The motion carried by majority with Ms. Halpern, Mr. Price, Ms. Bradley, and Ms. Nellius abstaining.

Adam Ksebe, GPN - Mr. Ksebe is a GPN applicant who graduated from DTCC-Owens Campus in December 2006. Mr. Ksebe's criminal background showed a charge of Possession of Drug Paraphernalia in 2002. Mr. Ksebe sent a letter of explanation, disposition paperwork and one letter of reference. Mr. Ksebe is asking the Board for a waiver due to being outside of the allowable time frame to take the NCLEX exam. Mr. Price made a motion, seconded by Ms. Tyranski, to grant the necessary waivers to approve Mr. Ksebe to sit for the NCLEX exam, and upon passing the exam, Mr. Ksebe will receive his license. The motion was carried with Mr. Salati opposing and Ms. Murphy abstaining.

Maria Randall, GN – Ms. Randall is a GN applicant who graduated from DTCC-Terry Campus on May 12, 2008. Ms. Randall's criminal background showed a misdemeanor from December 2007 and her LPN license was reprimanded on January 13, 2010. The misdemeanor was pardoned in December of 2009. The misdemeanor prevented Ms. Randall to sit for the NCLEX until after the one year time frame allowed by the Board. Ms. Randall is asking the Board for a waiver to sit for the NCLEX exam in order to pass and receive a license as a Registered Nurse. Dr. Contino made a motion, seconded by Ms. Bradley, to grant a waiver to Ms. Randall to sit for the NCLEX exam and upon passing the exam, Ms. Randall will receive her license. The motion carried with Mr. Maddex opposing.

Aubrey Rogers, GN – Ms. Rogers is a GN applicant who graduated from Neumann College on December 17, 2003. Ms. Rogers has taken NCLEX 12 times over the years and has been unsuccessful in passing. The new rule for applicants only allows them 5 years to sit and pass the NCLEX exam. Ms. Rogers was sent a letter explaining that she had until February 12, 2012 to sit and pass the NCLEX.

This was the date the Board gave applicants that had applications in but were past the 5 years from graduation date. Since she needed to take a review course and the one she had planned on taking was cancelled, Ms. Rogers asked the Board to give her an extension of the February 12, 2012 cutoff date. Mr. Price made a motion, seconded by Dr. Contino, to grant a waiver to Ms. Rogers. Ms. Rogers will be allowed to take the review course after which she will then have to sit for the NCLEX exam right away. The motion carried with Mr. Maddex and Ms. Halpern opposing.

Lisa Smith, GPN – Ms. Smith is a GPN applicant who graduated from Camtech School of Nursing on September 24, 2011. Ms. Smith's criminal background showed a Disorderly Conduct charge on August 16, 2003 but she only disclosed Conspiracy to shoplift on her application. Ms. Smith submitted a letter of explanation, disposition paperwork and two positive letters of reference. The Board had a discussion on how Ms. Smith forgot to put on her application that she had this charge. The Board questioned if the applicant was trying to be deceitful. Mr. Price made a motion, seconded by Mr. Maddex, to propose to deny Ms. Smith a waiver to sit for the NCLEX exam. The motion carried with Dr. Contino opposing.

Layla Tsang, GN – Ms. Tsang is a GN applicant who graduated from Widener University School of Nursing in August 2011. Ms. Tsang answered "yes" to the question about "Are you now, or have you ever been dependent on the use of alcohol, stimulants, or habit-forming drugs?" Ms. Tsang submitted an explanation in detail of why she answered the question the way she did. Ms. Tsang submitted a copy of a certificate showing completion of the TASC program. Because of the circumstances, Ms. Tsang is asking the Board for an extension to be able to sit for the NCLEX exam. Dr. Contino made a motion, seconded by Mr. Sanders, to grant a waiver to Ms. Tsang to sit for the NCLEX exam and upon passing the exam, Ms. Tsang will receive her license. The motion carried with Mr. Maddex opposing.

By Endorsement

Jennifer Josker, RN – Ms. Josker is a RN applicant who graduated from Millard Fillmore School of Nursing in May 1979. Ms. Josker's employer would only verify the dates that she worked there. Ms. Josker had numerous certificates showing her many accomplishments through the years. Dr. Contino made a motion, seconded by Mr. Sanders, to grant licensure to Ms. Josker by endorsement. By unanimous vote the motion carried.

Tack MacGregor, RN – Mr. MacGregor is a RN applicant who graduated from Seattle Central Community College in December 1999. Mr. MacGregor is licensed in numerous states. Mr. MacGregor's license was put on probation in the State of Washington from January 25, 2001 to August 27, 2002 for allowing a CNA to administer herself 1 mg morphine by mouth for cramps when they could not reach her doctor. At the time Mr. MacGregor was working as a Licensed Practical Nurse and was the only nurse on duty that night. Mr. MacGregor submitted a detailed explanation as to how this happened and what lead to the incident. The probation was completed and he has had no further incidents. Mr. MacGregor is now licensed as a Registered Nurse. Ms. Halpern made a motion, seconded by Ms. Bradley, to grant licensure to Mr. MacGregor by endorsement. The motion carried with Mr. Maddex opposing.

Donya Smith, LPN – Ms. Smith is an LPN applicant who graduated from Wor-Wic Community College on August 15, 1996. Ms. Smith comes before the Board for review because of a negative recommendation from her employer. Ms. Nellius made a motion, seconded by Dr. Lomax, to grant licensure to Ms. Smith by endorsement. The motion carried with Mr. Salati opposing and Mr. Sanders and Mr. Maddex abstaining.

Christopher Evans, RN – Mr. Evans is a RN applicant who graduated from Temple University in December 2008. Mr. Evans' criminal background showed a Disorderly Conduct charge on March 27, 2002. Mr. Evans submitted a letter of explanation, disposition paperwork, and three positive letters of

reference. Discussion ensued on why Mr. Evans would need to have a DE license if he lives in MD. He can work in DE with his MD license because of the Multi-State Laws. The Board asked Ms. Wagner to get clarification from Mr. Evans as to why he would be seeking licensure in DE. Ms. Wagner spoke to Mr. Evans and found that he has moved to PA, which is not part of the Multi-State licensure process. Therefore, he would need to have a DE license to do his clinical rotations in DE. Mr. Evans is going to back to school to become an Advanced Practice Nurse. Ms. Halpern made a motion, seconded by Ms. Nellius, to grant licensure to Mr. Evans by endorsement. The motion carried with Mr. Salati opposing.

Tara Kolb, RN – Ms. Kolb is a RN applicant who graduated from West Chester University in May 2006. Ms. Kolb applied for and was denied licensure in CA due to having incomplete paperwork. When Ms. Kolb applied to DE she didn't disclose that she was denied in CA. Ms. Kolb stated that she didn't disclose this information because she was in the process of reapplying and didn't think it was necessary to say she was denied. Ms. Kolb has a job offer for A.I. DuPont Children's Hospital to start right away. Mr. Price made a motion, seconded by Ms. Bradley, to grant licensure to Ms. Kolb by endorsement. By unanimous vote the motion carried.

By Reinstatement

Theodore Strowhouer, RN – Mr. Strowhouer is a RN requesting reinstatement to DE. Mr. Strowhouer's license in DE expired May 31, 1999. Mr. Strowhouer held a license in PA which expired April 30, 2000. On June 19, 1998 Mr. Strowhouer entered into a consent agreement with the State of PA; however, he did not comply with the order. On July 15, 1999 his PA license was put on suspension. After the Board read and discussed his Consent and Order from PA, Dr. Contino made a motion, seconded by Mr. Sanders, to propose to deny Mr. Strowhouer reinstatement to DE. By unanimous vote, the motion carried.

Advanced Practice Nurse

Patricia Grady, APN – Ms. Grady is an APN who graduated from DTCC-Owens Campus in December 2001. Ms. Grady currently has an active RN and APN license in MD. Ms. Grady is applying to DE to obtain an APN license because the company she works for requires her to have an APN license in DE. Ms. Grady disclosed to the Board that her license in MD is under investigation. Ms. Grady engaged in conduct that could be disciplined in DE. Mr. Price made a motion, seconded by Mr. Maddex, to propose to deny licensure to Ms. Grady. By unanimous vote the motion carried.

Renewal

There were no Renewal issues to review.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Mr. Price made a motion, seconded by Ms. Bradley, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-107-11 Salati	11-111-11 Sanders	11-115-11 Maddex
11-108-11 Salati	11-112-11 Bradley	11-116-11 Lomax
11-109-11 Salati	11-113-11 Tyranski	11-117-11 Sanders
11-110-11 Salati	11-114-11 Nellius	11-118-11 Halpern
11-120-11 Nellius	11-121-11 Deputy	11-122-11 Deputy
11-123-11 Deputy	11-124-11 Deputy	11-125-11 Bradley
11-126-11 Littleton	11-127-11 Halpern	11-128-11 Halpern
11-129-11 Halpern	11-130-11 Halpern	11-131-11 Lomax
11-132-11 Tyranski	11-133-11 Tyranski	11-134-11 Contino
11-135-11 Littleton	11-136-11 Nellius	11-119-11 Tyranski

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office

11-21-10 11-15-10 11-70-10 11-59-11

Closed Investigations by the Division of Professional Regulation

11-08-11 11-57-10

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Consent Agreement(s)

Paul Njoroge, LPN - Board members reviewed the consent agreement. Mr. Salati made a motion, seconded by Dr. Contino, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Joyce Benjamin, LPN – Board members reviewed the consent agreement. Ms. Tyranski made a motion, seconded by Ms. Halpern, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Musu Yeanafehn, LPN – Board members reviewed the consent agreement. Ms. Halpern made a motion, seconded by Mr. Maddex, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Cheryl Perry-Noble, RN – Board members reviewed the consent agreement. Ms. Tyranski made a motion, seconded by Ms. Nellius, to accept and approve the consent agreement. The motion carried with Mr. Sanders abstaining.

Andrea Hyland, RN – Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Ms. Bradley, to accept and approve the consent agreement as amended. By unanimous vote, the motion carried.

Fawn Palmer, RN – Board members reviewed the consent agreement. Mr. Salati made a motion, seconded by Ms. Nellius, to not accept the consent agreement. The motion carried with Dr. Lomax and Mr. Sanders abstaining and Dr. Contino recusing.

Mary Crawford, RN – Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Mr. Sanders, to not accept the consent agreement. By unanimous vote, the motion carried.

Joyce Tuxward, LPN – Board members reviewed the consent agreement. Mr. Sanders made a motion, seconded by Dr. Lomax, to accept and approve the consent agreement. The motion carried with Dr. Contino recusing.

Mary Snyder, RN – Board members reviewed the consent agreement. Mr. Salati made a motion, seconded by Mr. Sanders, to not accept the consent agreement. By unanimous vote, the motion carried.

Sherri-Lynn Hampton, RN – Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Ms. Bradley, to accept and approve the consent agreement. The motion carried with Ms. Halpern recusing.

Tina M. Hudson, LPN – Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Ms. Tyranski, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Harriet Ann Durant, RN – Board members reviewed the consent agreement. Dr. Lomax made a motion, seconded by Mr. Maddex, to accept and approve the consent agreement. The motion carried with Mr. Salati, Ms. Halpern, and Mr. Price opposing and Dr. Contino abstaining.

Kimberly Paul, RN – Board members reviewed the consent agreement. Mr. Sanders made a motion, seconded by Ms. Bradley, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Elvina Asong, LPN – Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Ms. Halpern, to accept and approve the consent agreement. By unanimous vote, the motion carried.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

Madhu Jain, RN - Board members reviewed the recommendation from the Board's Hearing Panel and the comments submitted by Ms. Jain's lawyer. Mr. Sanders made a motion, seconded by Mr. Price, to accept and approve the recommendation from the Board's Hearing Panel. The motion carried with Dr. Lomax, Ms. Halpern, and Ms. Tyranski abstaining.

Juanita Gonzalez, LPN - Board members reviewed the recommendation from the Board's Hearing Panel. Mr. Sanders made a motion, seconded by Mr. Maddex, to accept and approve the recommendation from the Board's Hearing Panel. The motion carried with Dr. Lomax and Ms. Halpern abstaining.

Pamela Rhodes, LPN - Board members reviewed the recommendation from the Board's Hearing Panel. Mr. Sanders made a motion, seconded by Ms. Bradley, to accept and approve the recommendation from the Board's Hearing Panel. The motion carried with Mr. Maddex, Mr. Price, and Mr. Salati abstaining.

Hearing Officer Recommendations

Nkwelle Leonard, RN - Board members reviewed the recommendation from the Hearing Officer. Mr. Sanders made a motion, seconded by Ms. Nellius, to accept and approve the recommendation from the Hearing Officer. The motion was withdrawn. Mr. Maddex made a motion, seconded by Mr. Sanders, to reject the recommendations of the Hearing Officer and impose different sanctions. By unanimous vote, the motion carried.

Rachel Hyler, RN - Board members reviewed the recommendation from the Hearing Officer. Mr. Sanders made a motion, seconded by Ms. Nellius, to accept and approve the recommendation from the Hearing Officer with added sanctions. By unanimous vote, the motion carried.

Deborah Takats, RN - Board members reviewed the recommendation from the Hearing Officer. Mr. Sanders made a motion, seconded by Mr. Maddex, to accept and approve the recommendation from the Hearing Officer. By unanimous vote, the motion carried.

June Frey-Cardona, RN- Board members reviewed the recommendation from the Hearing Officer. Mr. Maddex made a motion, seconded by Dr. Lomax, to accept and approve the recommendation from the Hearing Officer. By unanimous vote, the motion carried.

Susan Semus, RN - Board members reviewed the recommendation from the Hearing Officer. Dr. Lomax made a motion, seconded by Mr. Salati, to accept and approve the recommendation from the Hearing Officer. By unanimous vote, the motion carried.

Danna Young, No license - Board members reviewed the recommendation from the Hearing Officer. Mr. Maddex made a motion, seconded by Ms. Nellius, to not accept the recommendation from the Hearing Officer. By unanimous vote, the motion carried.

Kelly Lam, RN - Board members reviewed the recommendation from the Hearing Officer. Mr. Maddex made a motion, seconded by Mr. Sanders, to accept and approve the recommendation from the Hearing Officer. The motion carried with Ms. Nicholson abstaining.

HEARINGS

There were no hearings for January.

DISCIPLINARY HEARING

The hearing minutes to remove suspension from licensee are below.

LEGISLATIVE UPDATE

Patty Davis-Oliva discussed having a March hearing for Rules and Regulations.

REVIEW OF COMPLIANCE

Sarah Carey- Ms. Nicholson discussed the reason Ms. Carey was brought to the Board's attention. Ms. Carey is out of compliance on her consent order. Ms. Carey did not complete all the requirements of the order. Mr. Sanders made a motion, seconded by Ms. Halpern, to have a Rule to Show Cause hearing. By unanimous vote, the motion carried.

PRACTICE WITHOUT LICENSURE REVIEWS (November/December)

There was one practice without licensure in November which was over 60 days and a complaint was initiated. There were none for December.

PRACTICE ISSUES

The practice issues were moved to the beginning of the agenda under Committee Reports.

EDUCATIONAL ISSUES

There was a discussion about the advice the Board office should be giving to applicants that have been given the extra time to take the NCLEX exam and pass. Because of the new Rules and Regulations in place, the Board agreed to give some applicants time to take the NCLEX before they would have to go back to school. Some of those applicants failed the exam again, and the Board office needs to know what should be done or said to those applicants. The Board recommended that we send a letter and put the new Rules and Regulations in the letter for the applicant to see why they cannot sit for the NCLEX again.

LICENSURE ISSUES

Licensure Guidelines Approval

Ms. Nicholson explained that the Board granted authority to the Division of Professional Regulation staff to issue licenses based on guidelines. These guidelines now have been updated to include the

new rules. The Board approved the Division of Professional Regulation to issue licenses as had been done in the past based on the new rules and updated guidelines.

NCSBN

Ms. Nicholson stated the NCSBN Midyear meeting would be March 12 – 14 in Chicago. She asked if any other board members were interested in attending. If so, please let Dr. Zickafoose know.

LICENSEE RATIFICATION

Mr. Sanders made a motion, seconded by Ms. Bradley, to ratify the licensee list. By unanimous vote, the motion carried.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

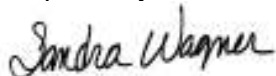
February 8, 2012 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 4:17 p.m.

Respectfully Submitted,



Administrative Specialist III
Delaware Board of Nursing

HEARING MINUTES

HEARING – LaFrance Bolling

The Delaware Board of Nursing held a hearing on January 11, 2012, at 1:39 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Madelyn Nellius, Robert Maddex, Kathy Bradley, Delphos Price, Pamela Tyranski, and Mary Lomax

RECUSED:

EXCUSED: Robert Contino, Karen Murphy, Tracy Littleton, and Lyron Deputy

PURPOSE: Lift suspension

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: LaFrance Bolling

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzner

TIME STARTED: 1:39 p.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Mr. Bolling was present for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibit 1. Mr. Bolling read a statement into the record. The Board went off the record at 1:49 p.m. for deliberations. The Board went back on the record at 1:59 p.m. Mr. Price made a motion, seconded by Dr. Lomax, to grant Mr. Bolling the reinstatement of his license with one year of probation. The motion was unanimously carried. The hearing concluded at 2:03 p.m.